

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FALEEF CALDWELL,	:	CIVIL ACTION
	:	
Petitioner,	:	
	:	
v.	:	
	:	NO. 20-223
DAVID BYRNE, et al.,	:	
	:	
Respondents.	:	

JOHN M. YOUNGE, J.

ORDER

AND NOW, this 16th day of October, 2020, upon consideration of the Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 (ECF No. 1), the Response thereto (ECF No. 9), and the Report and Recommendation of United States Magistrate Judge Marilyn Heffley (ECF No. 11), and after a careful and independent review of the record, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The Petition for a Writ of Habeas Corpus is **DISMISSED WITHOUT PREJUDICE**.
3. A certificate of appealability **SHALL NOT** issue, as Petitioner has not made a substantial showing of a denial of a constitutional right nor demonstrated that reasonable jurists would debate the correctness of the procedural aspects of this ruling. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).
4. The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ John Milton Younge

JOHN M. YOUNGE, J.